IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 1792 OF 2006

NAT Steel Equipments Pvt. Ltd. ... Petitioner

Vs.

State of Maharashtra and Anr. ... Respondents

Mr. R.V. Pai with Mr. Mahesh Londhe i/by Sanjay Udeshi & Co. for Petitioner

Mrs. M. Kajale, A.G.P. for Respondents.

CORAM: F.I. REBELLO &
MRS.V.K.TAHILRAMANI,JJ.
DATE : 11TH AUGUST, 2006

P.C.:

. Rule. Heard forthwith.

. It is the case of the Petitioner that in the matter of recovery certificate against one Pharma appliances, whose premises have been attached by Respondent No. 2, the record will indicate that pursuant to the award in favour of one Vidyashankar Tripathi. recovery certificate was issued by the Assistant Commissioner of Labour, Mumbai. The address of M/s. Pharma Appliances was shown as C/o. Nat Steel Equipments Pvt. Ltd. Acting on that certificate and as the address of Nat Steel Equipments Pvt. Ltd. was shown as that of the Petitioner, the order of attachment was made. While issuing order of attachment, Petitioners premises

had been sealed and the Petitioner has been kept out of possession. It is on this count, the Petitioner has approached this court.

. The main contention urged is that there is no award against them and in these circumstances, no recovery based on recovery certificate of the assets of the Petitioner could be ordered.

. on the other hand on behalf of the Respondents the learned counsel points out that they have so proceeded as the address of M/s. Pharma Appliances was shown as address of the Petitioners.

. Having heard the leaned counsel for the parties, this petition can be disposed of by issuing some directions. Admittedly, Pharma appliances have shown their address as address of Nat Steel Equipments Pvt. Ltd. the petitioner herein. That would not result in the assets of the petitioner becoming the assets of M/s. Pharma appliances. In these circumstances, least the respondent No. 2 could have done was to issue show cause notice to the Petitioner before taking any steps. It is only in the event Respondent No. 2 was satisfied that the Premises are not occupied by the Petitioners and the premises and the assets are of M/s. Pharma Appliances, could Respondent No. 2, have proceeded

to attach the property and thereafter take consequential steps. Merely because the Pharma Appliances was having the same address as of the Petitioner and or Pharma Appliances may be share holders in Nat Steel Equipments Pvt. Ltd. by itself can not be made to attach the assets of the company if in fact the assets are of the Petitioner as set out in Para No. 3 of the Petition.

. In the light of that, the following order :

. Petition made absolute in terms of Prayer Clauses (a) and (b). Respondent No. 2 to issue show cause notice to Petitioner in respect of the subject property and only after conducting limited enquiry to pass appropriate orders according to law.

. In the meantime, Petitioners are directed not alienate, transfer or create any third party rights in respect of the suit premises.

. The entire exercise should be completed within the period of twelve weeks from today.

(MRS.V.K.TAHILRAMANI,J.) **(F.I.REBELLO, J.)**